

CITY OF BRAZIL, INDIANA

ORDINANCE 30-2006

AN ORDINANCE ESTABLISHING AND CREATING A HARASSMENT POLICY FOR THE EMPLOYEES AND OFFICERS OF THE CITY OF BRAZIL, INDIANA

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Brazil, Indiana the following policy is established and created for the employees and officers of the City of Brazil.

Section One. Harassment Policy

The City of Brazil is committed to providing a work environment that is free of all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individuals' sex, race, color, national origin, age, religion, disability, or any other legally protected characteristic will not be tolerated. The City of Brazil provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Section Two. Scope

This policy applies to all City Employees and all third parties on City premises.

Section Three. Purpose

To ensure that all employees have the right to work in an environment free from sexual and other unlawful harassment.

Section Four. Definition

A. Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- (1) Unwanted sexual advances.
- (2) Offering employment benefits in exchange for sexual favors.
- (3) Making or threatening reprisals after a negative response to sexual advances.
- (4) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.

- (5) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- (6) Verbal sexual advances or propositions
- (7) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- (8) Physical conduct that includes touching, assaulting, or impeding or blocking movements. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or
 - (b) Submission or rejection of the conduct is used as a basis for making employment decisions, or
 - (c) The conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Section Five. Procedure

- A. All allegations of sexual harassment reported will be quickly and discreetly investigated. To the extent possible, the confidentiality of the person making the report and that of any witnesses and the alleged harasser will be protected. Concerns and reports may be made with out fear of reprisal or retaliation.
- B. If an employee should experience or witness sexual or other unlawful harassment, they shall immediately do one or both of the following:
 - (1) Take action to stop the harassment. While the employee is not obligated to confront the person, he or she may choose to speak privately with the person initiating the offending conduct and ask him or her to stop. It is helpful to provide the person with the reasons why the conduct is offensive, as he or she may be unaware of its impact. If the conduct stops, the employee may choose not to report the incident. If they believe it would be inappropriate to contact that person, they should immediately contact their supervisor. If the supervisor is unavailable, the Human Resources/Safety Director or the Mayor may be contacted. The time, place, and nature of the complaint should be relayed to the person contacted. The complaint must be made in written form. The Humane Resources/Safety Director will, in cooperation with the Mayor, investigate the complaint and take appropriate action. When the investigation is completed, the person filing the complaint will be informed of its outcome.
 - (2) Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Humane Resources/Safety

Director or the Mayor's Office so it can be investigated in a timely and confidential manner.

- C. Employees who violate this policy will be subject to disciplinary action up to and including termination. Appropriate action will be taken against third party violators.

Section Six. False Accusations Procedures

The City of Brazil recognizes that false accusations of harassment and sexual harassment can have a serious effect on innocent men and women. Individuals falsely accusing another of harassment or sexual harassment will be disciplined in accordance with the nature and extent of his or her false accusation. Discipline may include termination.

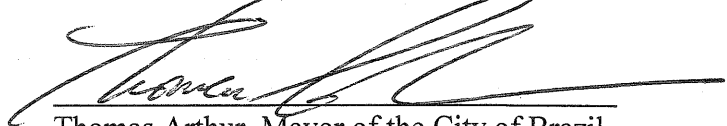
Section Seven: Repeal of Conflicting Ordinances

All ordinances, or any parts thereof, previously enacted which are in conflict with this Ordinance are hereby specifically repealed.

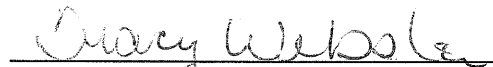
Section Eight: Time of Effect

This ordinance shall be in full force and effect from and after its passage, when it is signed by the presiding officer, approved by the Mayor, and published as required by law.

ORDAINED AND ESTABLISHED this 24 day of October, 2006


Thomas Arthur, Mayor of the City of Brazil,
Indiana

ATTEST:


Tracy Webster, Clerk-Treasurer of the
City of Brazil, Indiana

MEMBERS OF THE COMMON COUNCIL

AYES:

Martin S. Beasley
Martin Beasley

A. Ann Bradshaw
A. Ann Bradshaw

Patricia Heffner
Patricia Heffner

William Lovett
William Lovett

James Sheese
James Sheese

NAYS:

Martin Beasley

A. Ann Bradshaw

Patricia Heffner

William Lovett

James Sheese

Presented by me to the Mayor of the City of Brazil, Indiana for his approval and signature on this 24 day of October, 2006.

Tracy Webster
Tracy Webster, Clerk-Treasurer of the
City of Brazil

APPROVED and signed by me on the 1 day of November,
2006, at the hour of 11:52 o'clock A.m.

Thomas Arthur
Thomas Arthur, Mayor of the City of
Brazil, Indiana